

DISPOSITION: 3-17-58. \$300 fine and probation for 2 years.

5508. (F.D.C. No. 40458. S. Nos. 63-486/92 M.)

INFORMATION FILED: 1-6-58, Dist. Utah, against James L. Kennedy, t/a Kennedy's Drug Store, Logan, Utah, and Grant L. Ballam (pharmacist).

CHARGE: Between 1-7-57 and 1-28-57, *Dewedrine Sulfate tablets* (counts 1, 2, and 7) were dispensed 3 times and *Equanil tablets* (counts 3 and 5) and *Gantrisin tablets* (counts 4 and 6) were each dispensed twice, upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty by Kennedy to all 7 counts of information and by Ballam to counts 2, 5, 6, and 7.

DISPOSITION: 2-20-58. Kennedy fined \$2,300 and Ballam \$600.

5509. (F.D.C. No. 40450. S. Nos. 64-870/1 M, 64-873 M, 64-941 M.)

INFORMATION FILED: 12-26-57, S. Dist. Ind., against Stephen W. Tilson (pharmacist and manager for Hook Drugs, Inc.), Indianapolis, Ind.

CHARGE: Between 1-22-57 and 4-19-57, *pentobarbital sodium capsules* were dispensed twice and *Dewedrine Sulfate tablets* and *phenylbutazone tablets* were each dispensed once, upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 2-20-58. \$1,000 fine, plus costs.

5510. (F.D.C. No. 40482. S. Nos. 71-776 M, 71-780 M.)

INFORMATION FILED: 1-15-58, Dist. Minn., against Hubert J. Renchin, t/a Renchin Drug, St. Paul, Minn., and John A. Hoyer (pharmacist).

CHARGE: Between 5-9-57 and 5-17-57, *Dewedrine Spansule capsules* and *pentobarbital sodium capsules* were each dispensed once upon request for prescription refills without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 3-24-58. Renchin fined \$500 and Hoyer \$250. Each defendant placed on probation for 1 year.

5511. (F.D.C. No. 40472. S. Nos. 58-545 M, 58-553/4 M.)

INFORMATION FILED: 1-29-58, Dist. Utah, against Jimmie W. Johnson, t/a Johnson Drug, Ogden, Utah.

CHARGE: Between 10-9-56 and 10-30-56, *Dewedrine Sulfate tablets*, *secobarbital sodium capsules*, and *Butazolidin tablets* were each dispensed once upon request for prescription refills without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 3-20-58. \$600 fine.

5512. (F.D.C. No. 40598. S. Nos. 73-364 M, 73-366/7 M, 73-369 M.)

INFORMATION FILED: 9-11-57, N. Dist. Tex., against Joe Montgomery, Vega, Tex.

CHARGE: Between 1-16-57 and 2-8-57, *cortisone acetate tablets*, 10 mg. and 15 mg. *Dewedrine Sulfate capsules*, and *penicillin G potassium tablets* were each dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 2-4-58. \$300 fine and probation for 2 years.

5513. (F.D.C. No. 39969. S. Nos. 40-541/2 M, 40-544/5 M, 40-550/1 M.)

INFORMATION FILED: 7-1-57, Dist. Minn., against Eureka Drug Co. (a partnership), Minneapolis, Minn., and Edward A. Pelant and Marcus W. Connolly (partners).

CHARGE: Between 3-27-56 and 4-5-56, *Seconal Sodium capsules* (counts 1, 3, and 5) and *Dexedrine Sulfate tablets* (counts 2, 4, and 6) were each dispensed 3 times without a prescription.

PLEA: Guilty by partnership to all 6 counts of information, by Pelant to counts 1 and 2, and by Connolly to counts 3, 4, 5, and 6.

DISPOSITION: 8-23-57. Partnership fined \$500 and Pelant and Connolly \$1,000 and \$400, respectively.

5514. (F.D.C. No. 39829. S. Nos. 20-570 M, 61-767 M.)

INFORMATION FILED: 11-15-56, Dist. Columbia, against Vernon L. Adams, alias "Dimples," Washington, D.C.

CHARGE: Between 9-18-56 and 9-29-56, *dextro-amphetamine sulfate tablets*, *amphetamine sulfate tablets*, and *secobarbital sodium capsules* were each dispensed once without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 12-13-56, and was concluded on 12-17-56, with the return of a verdict of guilty by the jury. On 1-4-57, the defendant was given a sentence of 180 days in jail. The case was appealed to the Municipal Court of Appeals for the District of Columbia; and, on 9-16-57, the following opinion was handed down by that court:

QUINN, Associate Judge: "Appellant was charged by the District of Columbia in separate informations with dispensing certain drugs on two different occasions although he was not a licensed pharmacist, in violation of Code 1951, 2-601. He was also prosecuted by the United States on a two-count information for the same acts as a violation of 21 U.S.C. §§ 331(k), 352(d), and 353(b)(1)(B). The cases were consolidated for trial, a jury found him guilty of all charges, and these appeals followed. The only errors assigned relate to the reception of certain evidence and the sufficiency of the government's evidence to establish continuous custody of the drugs up to the time of trial. It is conceded that the same evidence was necessary to prove all the charges and thus our decision on these allegations of error will be dispositive of all appeals.

"The testimony of a police officer on behalf of the government indicated that appellant had delivered the drugs to him while he was working as an undercover agent. During his cross-examination by defense counsel, the following colloquy occurred:

"Q. I will ask you this, sir: did you search this man's record to find out if he had a record for narcotics: Adams?

"A. At what time?

"Q. Any time during your investigation or tour of duty in this case.

"Yes, sir.

"Did you ever find that he had any narcotic record: Adams?

"A. Not on narcotics, sir."

The prosecutor contended that these questions in effect placed appellant's character in issue and that he was therefore entitled to introduce into evidence the records of appellant's convictions for certain other offenses. Over objection the trial court upheld this position. Another police officer then testified on direct examination that he had searched appellant's record and ascertained that he had been convicted of the unauthorized use of an automobile, of carrying a deadly weapon, and of robbery. The defense claimed that the alleged conviction for robbery was actually one for assault. This